

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:14CR138 MAC/ALM
	§	
JORDAN FIGUEROA-GUADALUPE	§	

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant’s supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on December 2, 2014, to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by William Tatum.

On January 31, 2012, Defendant was sentenced by the Honorable Jay A. Garcia Gregory, United States District Judge, to a sentence of time served to be followed by an eight-year term of supervised release for the offense of conspiracy to possess with the intent to distribute cocaine within 1,000 feet of a protected location. Defendant began his term of supervision on January 31, 2012. On August 22, 2014, this case was transferred to U.S. District Judge Marcia A. Crone.

On September 30, 2014, the U.S. Probation Officer filed a First Amended Petition for Warrant or Summons for Offender Under Supervision (the “Petition”) (Dkt. 2). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state or local crime; (2) Defendant shall not unlawfully possess a controlled

substance; and (3) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; (4) Defendant shall not possess a firearm, ammunition, destructive device, or other dangerous weapon; (5) Defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer; (6) Defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer; and (7) Defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as Defendant is released from the program by the probation officer.

The Petition alleges that Defendant committed the following violations: (1) Defendant committed the offenses of public intoxication-non alcohol and possession of K2 substance on or about September 30, 2012, in Denton, Texas. He was ordered to pay fines in the amount of \$375 and \$360 respectively. Defendant satisfied both fines on December 3, 2012, in the City of Denton Municipal Court. Defendant committed the Class B misdemeanor offense of theft property \$50-\$500 on May 4, 2013, in Grapevine, Texas. According to the offense report, the offender and his three sisters stole several items from Burlington Coat Factory totaling \$186. He was sentenced on August 7, 2013 in Tarrant County Criminal Court No. 8, under Docket No. 1327441, to 30 days imprisonment with credit for time served. He was also ordered to pay a fine and court costs. Defendant committed the Class A misdemeanor offense of theft  $\geq \$500 < \$1,500$  on August 18, 2013, in Denton, Texas. According to the offense report, the offender stole six wallets from Dillard's totaling \$828. He was sentenced on July 22, 2014, in Denton County Criminal Court,

under Docket No. CR-2013-08304-B, to 60 days imprisonment. Defendant committed the state jail felony offense of theft on September 25, 2013 in Hickory Creek, Texas. According to the offense report, the offender stole computers and flat screen televisions totaling \$2,210.47 from Walmart. He was sentenced on July 9, 2014, in Denton County 16<sup>th</sup> District Court under Docket No. F-2013-2399-A to 12 months state jail imprisonment. Defendant committed the 1<sup>st</sup> degree felony offense of aggravated robbery on November 2, 2013. According to the offense report, the offender robbed a 7-11 convenience store for an approximate total amount of \$390. He wore a Halloween mask and threatened the store employee with a gun. He was sentenced on July 9, 2014, in Denton County 16<sup>th</sup> District Court, under Docket No. F-2014-0122-A, to 12 years imprisonment. Defendant committed the 1<sup>st</sup> degree felony offense of aggravated robbery on November 8, 2013. According to the offense report, he robbed a store for an approximate total amount of \$300. He wore a Halloween mask and threatened the store employee with a gun. He was sentenced on July 9, 2014, in Denton County 16<sup>th</sup> District Court, under Docket No. F-2014-0123-A, to 12 years imprisonment. Defendant committed the 1<sup>st</sup> degree felony offense of aggravated robbery on November 8, 2013. According to the offense report, he robbed a store for an approximate total amount of \$400. He wore a Halloween mask and threatened the store employee with a gun. He was sentenced on July 9, 2014, in Denton County 16<sup>th</sup> District Court, under Docket No. F-2014-0124-A, to 12 years imprisonment; (2) According to the offense reports for the offenses of aggravated robbery committed on November 2 and 8, 2013, Defendant was in possession of a Hi-Point 9mm handgun when he committed the robberies. Furthermore, he used the weapon to threaten store employees at each location; (3) Defendant failed to report the arrests on September 30, 2012, August 18, and September 25, 2013 as directed; (4) According to the offense report for the offenses committed on September 30, 2012, he was

associating with others who were also smoking synthetic marijuana (K2). According to the offense report for the aggravated robbery committed on November 2, 2013, he was associating with Daniel Ramos Rodriguez, a convicted felon, who Defendant also knew was smoking marijuana when he asked him to provide transportation to commit the offense of aggravated robbery; and (5) Defendant failed to report for drug testing with McCary Counseling Services, as directed on April 25, November 28, December 4 and 28, 2012, and February 27, 2013.

Defendant did not waive his right to allocute before the District Judge. Defendant further did not waive his right to object to this Report and Recommendation.

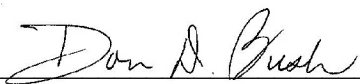
At the hearing, Defendant entered a plea of true to the alleged violations. The Court finds that Defendant has violated the terms of his supervised release and that his supervised release should be revoked.

### **RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the December 2, 2014 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twenty-one (21) months, to run consecutive to any other sentence, with no supervised release to follow.

Within fourteen (14) days after receipt of the magistrate judge's report, any party may serve and file written objections to the findings and recommendations contained herein. 28 U.S.C.A. § 636(b)(1)(C).

**SIGNED this 17th day of December, 2014.**

  
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DON D. BUSH  
UNITED STATES MAGISTRATE JUDGE